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Delivering a “New Administrative Law”: Commonwealth-Queensland ombudsman cooperation, 1976–81

Abstract

Australia’s so-called “New Administrative Law” reforms revolutionised citizen-government interaction in the 1970s and 1980s, with initiatives such as the Administrative Appeals Tribunal and the Commonwealth Ombudsman. Previous studies have focused on the political and policy foundations of these accountability systems, neglecting the subsequent role of politics in enabling these agencies to meet difficult service delivery challenges. This article investigates the decision of the Commonwealth and Queensland governments to create a shared ombudsman office in Brisbane in 1979, briefly noting changes to this agreement by 1981 under new Queensland Ombudsman leadership. Intergovernmental negotiations are examined as a case study in the importance of professional relationships to the wider success of the “New Administrative Law” agenda. It explores the problems that the newly created Commonwealth Ombudsman faced when delivering administrative justice within a federation of states. Despite disagreements between the parties in other policy areas, Queensland and the Commonwealth could cooperate, when encouraged by the goodwill of the ombudsmen themselves. Other factors aiding this process included: the federal government’s early vision for a Commonwealth Ombudsman with staff nationwide, the positive example set by Western Australia’s shared ombudsman facilities with the Commonwealth, and the need to plan for joint ombudsman investigations.

Keywords: ombudsman; Commonwealth-Queensland relations; service delivery; history of administrative law

Introduction

On 6 May 2009, the then Commonwealth ombudsman, Professor John McMillan,¹ officially opened the new premises of the Commonwealth Ombudsman's Queensland branch office at Level 17, 53 Albert Street, Brisbane. At the time of writing, this address is shared with several complaint-handling agencies, including the Queensland Ombudsman.² As the head of an institution devoted to the impartial investigation of public complaints about federal government administration, including its improvement at a systemic level, McMillan emphasised the co-location benefits:

The co-location of our new offices is a clear demonstration of the close and cooperative working relationship between complaint-handling agencies in Australia ... We strive to remove all barriers—real or perceived—to access to our services. Our new premises offer the practical advantage of a shared shopfront where people will be seamlessly referred to the agency best able to help them.³

Co-location of the Queensland and Commonwealth Ombudsman offices has been ongoing since 11 June 1979—initially at floor 21, Watkins Place, 288 Edward Street.⁴ This article focuses on the development of this office-sharing arrangement, exploring the factors that encouraged and hindered co-location, and uses the arrangement as a case study of cooperative service delivery and the professional relationships that helped to create powerful change in Australia's public administration throughout the 1970s and 1980s. Broadly speaking, Administrative Law is “about challenging official power ... [and] defining the powers of the state, as well as protecting, or limiting, the rights and liberties of members of society, whether they be citizens, non-citizens, business entities or other non-government bodies.”⁵ “New Administrative Law” was the name given to a package of reforms that led to the creation of the Commonwealth Ombudsman, the Freedom of Information Act, merits review and judicial review legislation.⁶ Courts have also played a significant role as interpreters of the law.⁷ The International Ombudsman Institute defines an ombudsman as an integrity agency that “deals with complaints from the public regarding decisions, actions or omissions of ... [public and private sector] administration ... The role of the ombudsman is to protect the people against violation of rights, abuse of powers, error, negligence, unfair decisions and maladministration.”⁸ It should be noted that “the suffix ‘man’ in Swedish, from which the title ombudsman originates, has no sexist connotation, but simply means ‘person’”.⁹

Queensland was not the first state to arrange an ombudsman office-sharing agreement with the Commonwealth (Western Australia opened its joint shopfront in 1978),¹⁰ nor was it the last: agreements were subsequently implemented in the Northern Territory, South Australia and Tasmania.¹¹ However, Queensland's experience merits investigation as a glimpse into the Commonwealth Ombudsman's formative years, offering an insight into the challenges Australia faced as the first country in the world to introduce a national ombudsman into a federation of states, in 1977—a model thus far only repeated in Belgium, in 1997.¹² Federated nations such as the United States and Germany also have ombudsmen, but only at the state/provincial level.¹³ Another reason for exploring Queensland's negotiations with the Commonwealth lie in Premier Johannes Bjelke-Petersen's vocal criticism of the ombudsman concept, prior to the appointment of Queensland's first state ombudsman, David Longland (see Figure 1), in August 1974.¹⁴ Bjelke-Petersen's often negative attitude towards the Commonwealth during the 1970s is also relevant—particularly when Indigenous land rights and mining development intersected.¹⁵ Beyond these obstacles to co-location, factors that aided the creation of a joint ombudsman office in Queensland are also discussed, namely the positive reception the arrangement received in Western Australia and growing recognition of the prospect of joint ombudsman investigations—with the resulting need to manage such activities between the States and the Commonwealth. Reference is also made to concern for the public image of the Commonwealth Ombudsman and the politics of its office location in relation to other parts of the nation's emerging administrative law system, specifically the Administrative Appeals Tribunal.

Figure 1. Sir David Longland. Source: Queensland Ombudsman.

This article hopes to partially redress “a general deficiency in the historical coverage of Australian administrative law”.¹⁶ The article proceeds with an overview of the literature on the early service delivery challenges of the Commonwealth Ombudsman, before canvassing the context behind the introduction of ombudsmen in Australia generally (at both state and national levels) and detailing their functions. The Commonwealth-Queensland case study will then follow. However, some terminology clarification is needed first. During the period under discussion, the Queensland Ombudsman was officially titled the Parliamentary Commissioner for Administrative Investigations, with its powers expressed in the *Parliamentary Commissioner Act 1974*. Following a strategic review of the Office in 1998,¹⁷ the title “Ombudsman” was suggested to better align the Office with its more

commonly recognisable name.¹⁸ Passage of the *Ombudsman Act* on 4 December 2001 brought this recommendation into effect.¹⁹ This term is used throughout the article for consistency with its Commonwealth equivalent. The essentially identical functions of the Parliamentary Commissioner and Ombudsman are acknowledged.²⁰ These deliberations are evidence of the importance placed on the public visibility of the Queensland Ombudsman, an issue of common concern to its fledgling Commonwealth counterpart in the late 1970s.

Literature discussion

Much has been written on the political and policy foundations of the “New Administrative Law”, including the ombudsman’s place within it,²¹ but little attention is given to the service delivery dynamics and implementation politics of the Commonwealth Ombudsman—despite “communication with potential users of our services” being “a constant challenge”.²² Effective service delivery is also linked to an ombudsman’s credibility, as ombudsmen regularly respond to complaints of bureaucratic delay and must therefore be seen to be above reproach when issuing critical reports into the performance of government agencies.²³ At the time, several authors pondered how these federal-state service delivery arrangements might be implemented in Australia and what it could mean for the nation’s handling of administrative complaints.

In 1971, David Benjafield and Harry Whitmore conceded that “the appointment of individual Ombudsmen in each State may not be fully effective without Federal co-operation since human problems do not respect the nice boundaries of power”.²⁴ In the 1960s, commentators viewed the prospect of a single Australian ombudsman as either impractical or more wisely instituted at the state level first.²⁵ During the 1980s, Kenneth Wiltshire and Donald Rowat were enthusiastic about the shared office agreements between the Commonwealth, Queensland and Western Australia, arguing it was a promising step towards countering public ignorance as to which level of government had responsibility for a citizen’s particular grievance.²⁶ Professor Jack Richardson (see Figure 2), foundation Commonwealth ombudsman (1977–85),²⁷ saw these early ombudsman office-sharing arrangements as important for entrenching his office into the Australian accountability landscape—singling out their establishment for mention in a 1995 interview and commemorative publications.²⁸

Figure 2. Professor Jack Richardson. Source: Commonwealth Ombudsman.

From the moment of his appointment in March 1977, Richardson was determined that his office would be “accessible to citizens all about Australia and not centred merely in Canberra”,²⁹ subsequently revising this ambition to “the principal areas of population in each State.”³⁰ Previous commentators have noted Richardson’s strategies for responding to the mammoth service delivery challenge that greeted him and his five staff upon opening the Commonwealth Ombudsman’s doors on 1 July 1977: initiating investigations on the basis of both written and oral complaints,³¹ making extensive use of the telephone to both record and investigate complaints, establishing state office branches throughout the nation to improve access to the ombudsman’s services, and bringing systemic administration problems to the attention of government agencies—thereby reducing the root causes of similar complaints.³² Unfortunately, with the exception of Richardson’s insights as a participant, the literature does not engage with the politics of establishing joint ombudsman offices in Australia and the factors that both aided and delayed their creation. It is here that this article is focused. A brief explanation of Richardson’s appointment follows, noting the wider global demand for ombudsmen at this time.

Discovering the ombudsman

With their modern origins located in nineteenth-century Sweden,³³ present-day ombudsmen scrutinise a variety of actions undertaken by administrators in both the public and private sector. Proliferation of the institution in this latter domain has been driven by the privatisation of public services and a push for self-regulation by industry since the 1980s.³⁴ Enjoying global success after World War II with the rise of the welfare state and the pressure for constitutional commitments to human rights in post-colonial/communist countries, an ombudsman’s powers and responsibilities vary considerably.³⁵ In Australia, the ombudsman was but one concept to emerge from the reports of several committees that were formed to investigate the administrative processes of the federal government. These comprised the Commonwealth Administrative Review Committee (the Kerr Committee—which argued the case for a new system of administrative law in 1971),³⁶ the Committee on Administrative Discretions (the Bland Committee—issuing two reports in 1973)³⁷ and the Committee of Review of Prerogative Writ Procedures (the Ellicott Committee—also released in 1973).³⁸ A Freedom of Information inquiry produced a report in 1974.³⁹ Many of their

recommendations went on to be embodied in the *Administrative Appeals Tribunal Act 1975* (Cwlth), *Ombudsman Act 1976* (Cwlth), *Administrative Decisions (Judicial Review) Act 1977* (Cwlth) and the *Freedom of Information Act 1982* (Cwlth). As Jackie Dickenson notes, the ombudsman and associated reforms were designed “to narrow the distance between politicians and voters, to make government more accountable, to reverse the alienation from political processes felt by individual citizens in the face of government growth, and to reduce the erosion of public trust in Australia’s democratic institutions.”⁴⁰

As noted above, while the Commonwealth Ombudsman began operating on 1 July 1977, the institution was already firmly established in Western Australia (1971), South Australia (1972), Victoria (1973), Queensland (1974) and New South Wales (1975). Tasmania (1978), the Northern Territory (1981) and the Australian Capital Territory (1989) followed the trend.⁴¹ Although scorned as “nonsense” by Australian administrative law academics,⁴² many parliamentarians in the 1960s and early 1970s believed they already performed an ombudsman’s duties in dealing with the concerns of constituents and exercising their influence to resolve a citizen’s difficulties with bureaucracy.⁴³ Indeed, when discussing the electorate problem-solving efforts of Edward Hanlon, member for the Brisbane seat of Ithaca (1926–52) and premier (1946–52),⁴⁴ even a former Queensland ombudsman referred to Hanlon as “one of the best ombudsmen that we’ve had.”⁴⁵ The idea of politicians serving as ombudsmen did change with time, however, as the ombudsman concept was ultimately greeted with much political enthusiasm.⁴⁶

Once support had built sufficiently within the federal government for the Commonwealth Ombudsman, the attorney-general, Robert Ellicott, was practical in his approach to the task of implementation. Quick to acknowledge both geographical realities and the likely demand for a federal ombudsman’s services throughout Australia, Ellicott’s submission to federal cabinet in January 1976 stressed that “representation in the State capitals would probably be required.”⁴⁷ In light of earlier approval for the ombudsman at the state level, Ellicott did not foresee any implications “for relations at any government level”⁴⁸ at this point. Speculating on the future, he also contended “that when the Ombudsman’s staff is operating at full strength the staff, including investigatory and secretarial assistance, would total approximately 40 positions, spread around Australia. [However], in the initial stages the numbers of staff would be much smaller”.⁴⁹ It seems clear that the Commonwealth saw some form of state representation for the Office as beneficial

early in the decision-making process, a belief that would later guide the conversation with individual states about office co-location. With this aspiration in mind, in May 1976 the federal cabinet decided to open discussions with Queensland, South Australia and Western Australia to determine if their state ombudsmen would receive complaints and conduct interviews with the public on behalf of the future Commonwealth Ombudsman.⁵⁰ During Cabinet's deliberations, many of the powers of the Office were being finalised. These are considered below.

Functions and responsibilities

The Commonwealth Ombudsman is an independent institution that reports to Parliament, with powers to investigate administrative actions undertaken by federal government agencies that are brought to its attention via a complaint, or pursued at the ombudsman's own motion.⁵¹ If, at the end of an investigation, the ombudsman concludes that the actions of a government department were contrary to law, unreasonable, unjust, oppressive, improperly discriminatory, or based wholly or partly on a mistake of fact, the ombudsman can make recommendations for a government agency to redress the problem.⁵² If the ombudsman's recommendations are ignored (the Office does not have any enforcement powers), scope to issue reports to the prime minister and Parliament also exist—as do the implications of media coverage, political embarrassment and potential further questioning of agency staff.⁵³ Use of these powers is rare, with the strength of the Office lying in its ability to impartially adjudicate between all parties. The range of an ombudsman's recommendations has expanded in recent times, from that focused on the resolution of individual complaints received from the public, to the making of systemic recommendations for the improvement of government administrative procedures, policies or legislation more generally.⁵⁴ Beyond this, the Commonwealth Ombudsman (and its state equivalents) has also assumed new auditing and monitoring responsibilities, “which have the primary goal of improving the overall quality of public administration”.⁵⁵ The specialisations of the Commonwealth Ombudsman have also grown, as seen in its accumulation of titles: Defence Force Ombudsman, Immigration Ombudsman and Postal Industry Ombudsman.⁵⁶

Discretionary powers allow the ombudsman to decline to investigate a complaint if deemed to be frivolous, not warranted “having regard to all the circumstances”, or if the complainant does not have a sufficient interest in the subject matter of the complaint.⁵⁷ In performing their investigations,

the Commonwealth Ombudsman is entrusted with powers to obtain information and documents—and to require staff from government agencies to appear before the ombudsman to answer questions relating to an investigation.⁵⁸ Notably, the Commonwealth Ombudsman is prevented from investigating the actions of ministers, Cabinet and judicial officers, among other limitations.⁵⁹ Requests by an ombudsman for Parliament to increase their jurisdiction are not unheard of, as demonstrated by the Victorian Ombudsman's failed push for powers to investigate the judiciary's actions in the early 1990s.⁶⁰ On occasion, the ombudsman has also experienced challenges to its authority to investigate government agencies.⁶¹ Queensland's Ombudsman has been granted similarly defined functions, discretions and jurisdictional limitations—with some crucial differences, such as being unable to investigate the administrative actions of police and having local government administration included within its purview.⁶² Significantly, Queensland's 2001 legislation explicitly widened the systemic operations of the Queensland Ombudsman to "consider the administrative practices and procedures of agencies generally and ... make recommendations or provide information or other help to the agencies for the[ir] improvement".⁶³

The degree of jurisdictional cooperation between the Commonwealth and Queensland ombudsmen has also evolved over time and was another source of cooperation between Australia's ombudsmen beyond the co-location of offices. While there is now capacity for joint investigations to be conducted by the Commonwealth and State ombudsmen, where deemed appropriate,⁶⁴ this legislative change did not occur until 1983 and involved detailed discussion between the federal and state governments before passing into law.⁶⁵ The issue of joint investigations was first raised by the acting prime minister in June 1977, who observed at the outset that any cooperation would "depend to a large extent on the relationships that Ombudsmen developed between themselves and the readiness of the Commonwealth and State governments to permit co-operative investigations."⁶⁶ Reaching in-principle agreement on the matter, Richardson and his state counterparts took the view that cooperation would be forthcoming whenever the need arose, concluding "that it may be better for working arrangements to evolve as cases occur."⁶⁷ Following the Third Australasian Conference of Ombudsmen, held in Brisbane in September 1978, it was agreed that mutual arrangements should be designed to "create an adequate umbrella for the satisfactory investigation of a complaint involving both a State and the Commonwealth or two or more States."⁶⁸ By 1981, it was accepted that amendments to the Commonwealth's ombudsman legislation were necessary to formalise this spirit of cooperation and to empower the Commonwealth Ombudsman with the authority to provide information to other Australian ombudsmen for the purposes of joint investigations.⁶⁹ Given

that the subject of joint investigations was explored in the same period of time as negotiations over office co-location, it might be argued that these jurisdictional questions assisted in fostering an environment that was also conducive for cooperation on office-sharing matters.

With these powers, the scale and scope of an ombudsman's investigation can vary enormously, from flawed evidence-collection procedures used by Queensland water pollution regulators in the late 1980s,⁷⁰ to complaints made by students against university administrators.⁷¹ In 2012–13, the Queensland Ombudsman held 82 training sessions for agencies (on topics such as good decision-making), made 183 recommendations to public agencies, conducted 818 investigations, received 15,191 contacts from the community, and finalised 6,406 complaints.⁷² In the same financial year, the Commonwealth Ombudsman received 26,474 complaints and approaches from the Australian public, down from 40,092 in 2011–12, a fall attributed to new telephone processes that inform callers of “out of jurisdiction matters” and “the preliminary steps they should take before making a complaint to our office.”⁷³ A total of 8,591 complaints were assessed by investigation officers.⁷⁴ By establishing their joint office, the Commonwealth and Queensland ombudsmen gave practical strength to the idea of citizen-centric service delivery, and that process will now be examined.

Cooperative possibilities

The issue of the Commonwealth Ombudsman's accommodation needed to be carefully considered by the Department of the Prime Minister and Cabinet, not only to maintain positive relations with the States, but also to present an appropriate image of the Office to the public and to distinguish it from other components of the administrative law system. This was made clear when the foundation president of the Administrative Appeals Tribunal, Justice Gerald Brennan, suggested that the Commonwealth Ombudsman and the Tribunal should share accommodation. The assistant secretary of the department, A.G. Kerr, was not inclined to support the proposal, as he believed that shared offices between the two Commonwealth bodies “could be seen to compromise the Ombudsman's position of independence, in particular of independence from the processes of legal review of decisions.” In advice to the department's secretary, Kerr acknowledged the potential risks and benefits of such a move:

It is possible that there could be shared use of some common facilities eg. records storage and typing facilities but even here I believe that the Ombudsman's independence could be placed at risk eg. in the matter of privacy of information entrusted by citizens to the Ombudsman. There is, however, a good case for the Ombudsman to be located in an area easily accessible to the public and close to or even in the same building as other Commonwealth authorities including the Administrative Appeals Tribunal. Again, if you agree, we would continue in our talks with the Department of Administrative Services regarding accommodation to discourage suggestions that the Ombudsman should share his accommodation in the way suggested by Justice Brennan.⁷⁵

Early plans for the Commonwealth Ombudsman envisaged that it would have an office in each state, including the Australian Capital Territory and Northern Territory, so that the public could register complaints and be interviewed by the ombudsman's staff. However, when initial overtures were made by Acting Prime Minister Doug Anthony to Premier Joh Bjelke-Petersen in August 1976, it was felt that the workload would be insufficient in some states and not justify a separate office at that time. Instead, the Commonwealth's proposal was to request that the Queensland Ombudsman "receive and send to Canberra, complaints directed to the Commonwealth Ombudsman and conduct interviews" on behalf of the Commonwealth Ombudsman.⁷⁶ Bjelke-Petersen responded a month later, agreeing that discussions should begin with officials from both governments on this issue.⁷⁷ The Queensland ombudsman, David Longland, was also informed of the Commonwealth's approach,⁷⁸ replying in turn that such an arrangement was possible—but that questions of staffing would need to be addressed in light of his existing workload.⁷⁹ While the Commonwealth dealt with the States on an individual basis to secure their support, informal discussions about cooperation also occurred between all five then existing Australian ombudsmen at the First International Ombudsman Conference in Edmonton, Canada, in September 1976. Despite reservations from some about an administrative delegation from the Commonwealth to the States, each indicated their willingness to participate in any negotiations with the Commonwealth.⁸⁰

The Department of the Prime Minister and Cabinet was not the only Commonwealth agency to seek out cooperation with the Queensland Ombudsman. Contact was also made directly with the ombudsman by the federal commissioner for community relations, A.J. Grassby, in the hope of jointly confronting instances of racial discrimination within Queensland—including discriminatory acts by state government agencies. Grassby proposed to achieve this in one of two ways. First, Grassby suggested that he could forward complaints of racial discrimination in Queensland on to the Queensland Ombudsman "with any necessary authority" required from the commissioner to investigate complaints, "in particular those relating to the Queensland Government authorities."

Alternatively, the commissioner proposed advising complainants to approach the Queensland Ombudsman directly in the first instance. These suggestions were made in the context of the recently passed *Racial Discrimination Act 1975* (Cwlth), which granted the commissioner the discretion not to investigate complaints if other remedies were reasonably available.⁸¹ While the Office of Community Relations had existed since September 1974, the Act did not enter into force until 31 October 1975, with the commissioner then gaining powers and responsibilities as part of Australia's commitment to the United Nations Convention on the Elimination of All Forms of Racial Discrimination.⁸² Grassby's correspondence was passed from the ombudsman to the undersecretary of the premier's department, who—after seeking legal advice from the parliamentary counsel—greeted Grassby's proposals suspiciously:

I am left with the feeling that the passing of the problem to a Queensland Authority relieves the Commonwealth Commissioner, in terms of actual work, of the responsibility of seeking a solution to a complaint. On the other hand, the cost of setting up a Regional Organisation—to cover the whole of the State—would be substantial ... The Commonwealth Commissioner goes on to refer to complaints (a) of racial discrimination in Queensland; and (b) relating to the Queensland Government authorities. In my opinion, the Queensland Government should be more concerned with (b) than (a), and in all probability has a real responsibility to seek solutions with regard to (b) ... [I]f the Queensland "Ombudsman" were to handle complaints under (a), he would be acting as the agent of the Commonwealth under the delegation from their Commissioner, and, in effect, he would be doing the Commonwealth's work for them.⁸³

Longland was advised to inform Grassby that he should refer complainants directly to the state ombudsman. Longland's reply to Grassby emphasised the importance of avoiding the delicate area of Commonwealth/State relations, with Grassby's first proposal appearing to impinge upon this. Longland encouraged Grassby to initiate a traditional prime minister/premier contact to progress the matter. Longland indicated that if Grassby decided not to investigate a complaint and advised a person to approach the Queensland ombudsman, he would "consider any complaint made", provided it was within jurisdiction. He was also willing to extend the same professional courtesy to Grassby, informing complainants of Grassby's role where appropriate, if Longland himself held no authority to investigate a matter.⁸⁴

Grassby subsequently argued that his role as commissioner authorised him to represent complainants before the Queensland ombudsman. On this issue, Longland countered that: “[A] representative within the meaning of my Act should normally be a person who has a direct personal link with a complaint or a person such as a solicitor who is under an obligation of confidence to the complainant ... I should normally not accept complaints from a public official such as the Commissioner for Community Relations.”⁸⁵ Grassby also contended that, as a result of the provisions of the Racial Discrimination Act, he became “a complainant” for the purposes of Queensland’s ombudsman legislation. Longland disagreed again with Grassby’s interpretation, forcing the commissioner to accept Longland’s point of view and to direct complainants to Longland where appropriate.⁸⁶ Longland stressed the need for complaints to be made to his office with as little formality as possible, believing the acceptance of complaints from directly aggrieved persons and their accepted personal representatives was essential to that process. This was particularly crucial in light of the need for confidentiality. It was not Longland’s intention to avoid dealing with the complaints of Indigenous people, stating he had an obligation to respond to them “in exactly the same manner as any other complaint.” Longland was “happy to report that a number of complaints” had been referred to him by Queensland’s Indigenous community and ended in a satisfactory resolution, adding that “the racial origin of my complainants is irrelevant”.⁸⁷

Longland’s careful replies to Commissioner Grassby, along with his desire for advice from the premier’s department, were signs of his political awareness—as racial discrimination was a sensitive policy area for the Bjelke-Petersen government at this time. This was not least because of the premier’s quarrel with the Commonwealth and Presbyterian Church over plans for a bauxite mining development at Aurukun in western Cape York. Following protests from Church leaders, Longland formally investigated the matter in March 1976, visiting the Aurukun community to assess their concerns about a decision by the Queensland Department of Aboriginal and Islander Advancement to administer a bauxite royalty fund on the Aurukun community’s behalf. This arrangement was designed to benefit the state’s Indigenous population as a whole and would be maintained by a meagre 3% of new royalties obtained at the Aurukun site, as part of an agreement with the bauxite project developer, Aurukun Associates. Longland’s critical report to the Queensland Parliament recommended additional consultation between the community, the state government and Aurukun Associates, with renegotiation of the bauxite agreement also being suggested if necessary.⁸⁸ Comments from the Commonwealth on this matter would not be tolerated by Bjelke-Petersen

without counterattack in the media.⁸⁹ Longland's views, however, were seemingly accepted by the premier. Advice from Queensland's parliamentary counsel about Grassby's proposals proved accurate on this point: "if an investigation is to be made into an action of a Queensland Government department, accompanied perhaps by some criticism, it would be better that the criticism should come from the Queensland Parliamentary Commissioner than from a Commonwealth authority."⁹⁰ Grassby's approaches to Longland were certainly noticed by Bjelke-Petersen. Under his instruction, Cabinet initially declared that "no information of any kind" was "to be supplied to the Commissioner for Community Relations"—with Longland and the Director of the Department of Aboriginal and Islander Advancement informed of this.⁹¹ This decision was later reversed, with Grassby's own report into complaints of racial discrimination in Queensland between October 1975 and August 1981 highlighting several instances in which communication between him and the Queensland ombudsman facilitated the resolution of complaints from Indigenous people.⁹² It was against this background that Commonwealth representatives were sent to Brisbane to explore ombudsman office-sharing options.

"They won't believe it!"

Officials from the Department of the Prime Minister and Cabinet visited Brisbane on 17 January 1977 to meet with officers of the Queensland premier's department and a soon-to-be knighted David Longland.⁹³ With an eye to the Commonwealth Ombudsman's impending appointment, the intention was to have initial discussions of a non-committal nature—as it was felt that an "interim arrangement" was needed prior to the Commonwealth Ombudsman pursuing any further modifications with their state counterparts.⁹⁴ Longland foresaw a larger role for the Queensland Ombudsman than simply "that of a postbox for forwarding complaints to the Commonwealth Ombudsman." He favoured a delegated authority from the Commonwealth to receive complaints, interview complainants as required and "pursue the investigation", on the proviso that the Commonwealth funded an additional investigating officer for his office. Ultimately agreeing to put financial and staffing matters aside until the Commonwealth Ombudsman's appointment, the parties accepted that existing *ad hoc* arrangements for dealing with federal complaints from Queensland residents would continue for the moment—namely Longland's practice of referring complaints to the heads of Commonwealth agencies in Brisbane and advising the complainant of this.⁹⁵ In agreeing to cooperate with the Commonwealth, Longland realised that any future "growth

in work performance need” could force the Commonwealth Ombudsman to create its own branch office in Brisbane and appoint a deputy ombudsman for Queensland.⁹⁶ Interestingly, the Commonwealth’s negotiations with other states yielded a range of alternatives “from the States undertaking the complete investigation of Commonwealth queries to the need for a separate representative of the Commonwealth Ombudsman to be located in the State concerned.”⁹⁷

In the next stage of negotiations, professional relationships were crucial. An ombudsman’s personal style and personality is widely recognised as exerting a powerful influence on the approaches taken by the institution throughout its history.⁹⁸ Further, in a recent study of Australian intergovernmental relations, Jennifer Menzies quotes Canadian scholarship to argue that “‘personality matters’ and remains one of the greatest intangibles in executive decision-making”—as both a constructive and destructive force.⁹⁹ When Professor Jack Richardson took up the position of Commonwealth Ombudsman, future cooperation with ombudsmen in Queensland hinged largely on the relationship between him, Longland and Bjelke-Petersen. In attempting to establish offices in the mainland capitals, Richardson was encouraged by his experience with Western Australia: “I had the good fortune to know Premier [Charles] Court reasonably well and [the State Ombudsman] Oliver Dixon ... [They] proved very cooperative.”¹⁰⁰

In Queensland, Richardson was aware that some saw his prospects of securing agreement with the premier as non-existent: “[E]verybody said, ‘With Joh Bjelke-Petersen up there and his attitude to Commonwealth things you have got Buckley’s chance of success.’ But I knew David Longland ... I knew that he was a favourite son in effect of the Premier ... [and] Longland and I got on pretty well.”¹⁰¹ Longland had worked from 1957–68 as undersecretary of the Queensland Department of Public Works and Housing.¹⁰² By “favourite son”, Richardson alluded to the contact Longland had with Bjelke-Petersen in this department: the future premier (1968–87) accepting this portfolio for his first ministerial appointment, in September 1963.¹⁰³ Longland also gave Bjelke-Petersen steady advice at this critical time in his career.¹⁰⁴ This shared history may also have influenced the premier in becoming a convert to the ombudsman idea, particularly after observing Longland as Queensland’s ombudsman from the opening of the office on 8 October 1974.¹⁰⁵

Richardson reached in-principle agreement with Longland on shared office accommodation during informal discussions in early 1978, asking the acting prime minister, Doug Anthony, to send a letter

in support of the idea to Bjelke-Petersen.¹⁰⁶ Bjelke-Petersen concurred that formal discussions should be entered into by Longland and Richardson to advance the proposal.¹⁰⁷ Richardson met with Longland again in Brisbane at the Third Australasian Conference of Ombudsmen.¹⁰⁸ At the conference, they “had a discussion about getting this office together and we lunched with the Premier and ... the Premier agreed. He said, ‘That’s a great idea’ ... He was quite enthusiastic ... He said, ‘I’ve got to take it up with my Cabinet, they won’t believe it!’”¹⁰⁹ Cabinet was indeed surprised. Bjelke-Petersen’s control over Cabinet’s decision-making is well documented; members were often eager to “rubber stamp”¹¹⁰ the premier’s proposals rather than risk confrontation.¹¹¹ On this occasion, however, Cabinet rejected Bjelke-Petersen’s submission and demanded more information.¹¹² Richardson recalled:

[Cabinet were concerned that] once the Commonwealth moved in, there wouldn’t be some kind of a takeover operation, so that the Commonwealth sort of predominated in this ombudsman office. Of course, there was no way that was possible. I mean, this was a branch office as far as we were concerned. So we explained all that. We were very much the minor partner.¹¹³

In response to Cabinet, Bjelke-Petersen cited Western Australia’s successful experience with its joint office, underscoring the advantages of reduced costs and decreased public frustration. He reassured his Cabinet colleagues that “the jurisdictions of the State and Commonwealth Ombudsmen are mutually exclusive; each Office retains its own distinct identity, function and responsibility as required by Statute”.¹¹⁴ It was not the first time that Queensland had drawn on Western Australia’s ombudsman experience to answer questions of its own, with the undersecretary of the premier’s department, Keith Spann, and parliamentary draftsman, J.P. O’Callaghan, both being sent to Perth in late 1972 to learn more about Western Australia’s ombudsman legislation so that Queensland might better understand the concept for itself.¹¹⁵ Cabinet may have been conscious of this past contact and advice, therefore being more receptive to Bjelke-Petersen’s contention that Western Australia’s success with its joint office could be replicated in the Sunshine State. In any case, Cabinet approved his request to inform the prime minister that Queensland was agreeable to a joint State and Commonwealth Ombudsman office in Brisbane.¹¹⁶ This arrangement was within the terms of a Heads of Agreement document jointly drafted by Richardson and Longland. The agreement specified staffing, rental and establishment costs.¹¹⁷ With this accepted, David Robson, a former solicitor and

lieutenant colonel, was appointed as Queensland's Assistant Commonwealth Ombudsman on 26 February 1979.¹¹⁸ Prior to the office opening, Longland explained the shared accommodation plans:

[T]here will be a common reception area in the shared office where all complaints may be received. An experienced receptionist will then advise the person as to the appropriate office, Commonwealth or State, for their complaint and the matter will then proceed in the usual way ... I predict that the environment of the shared office will be favourable and that its establishment will be justified by the results obtained.¹¹⁹

Longland retired from his Ombudsman post on 31 May, 1979,¹²⁰ but his hopes for the joint office were confirmed. Longland's successor, Sir David Muir (see Figure 3),¹²¹ held the Queensland Ombudsman role from 1 June 1979 to 30 July 1981.¹²² Like his predecessor,¹²³ Muir was a career public servant¹²⁴ and had in fact been a student of Longland's at Brisbane Commercial High School in the early 1930s.¹²⁵ The Commonwealth-State agreement altered during Muir's time at the helm, with the ceasing of "impracticable" joint visits to regional areas of Queensland.¹²⁶ Complaints from regional residents were still passed on to the relevant jurisdiction after an individual ombudsman visit, however.¹²⁷ Richardson criticised this shift in 1995, viewing Muir as an unenthusiastic supporter of the shared enterprise and believing the office lost an edge when visiting regional centres as a result, but conceding that "it's probably working fairly satisfactorily now."¹²⁸ A review of the agreement in 1981 led to further changes, with the Assistant Commonwealth Ombudsman and staff moving to an office adjoining the Queensland Ombudsman—their common reception for complainants and joint telephone number retained.¹²⁹ Nonetheless, the sharing of office facilities was beneficial in ways beyond the already stated public convenience and cost efficiencies, whether "in the opportunity provided to discuss ... 'grey' area cases with my Commonwealth counterpart",¹³⁰ or "occasions when the staff of one office seeks assistance from staff in the other."¹³¹ Outside of these operational practicalities, "the staff enjoy a most cordial and friendly relationship."¹³²

Figure 3. Sir David Muir. Source: Queensland Ombudsman.

Conclusion

Investigating how professional relationships impacted on the development of the “New Administrative Law” is one way of understanding Australia’s rapid and “remarkable” acceptance of profound changes to the principles and institutions of public administration in the 1970s and 1980s.¹³³ This article has shown how strong working relationships between ombudsmen, politicians and public servants could—when sympathetically attuned—overcome multiple sources of concern to establish a joint ombudsman office in Queensland, a situation that seemed completely untenable to observers in both Canberra and Brisbane. The legacy of that cooperation is a service delivery convenience for the people of Queensland that has endured for more than thirty years. By revealing one part of the service delivery challenge of these reforms, this article widens political analysis of this crucial period in national law reform, casting light on the politics of newly formed accountability agencies and their relationships with each other—as seen with the Office of the Commissioner for Community Relations and the Queensland Ombudsman. Joint ombudsman investigations and the question of co-locating the Commonwealth Ombudsman with the Administrative Appeals Tribunal also showcase the importance placed on cooperation among the ombudsmen and the significance of generating an appropriate public perception of these new independent organisations. It also demonstrates that Bjelke-Petersen could alter his position on matters of federalism and public accountability, if convinced by the experience of another Australian jurisdiction. Other factors that supported the co-location of offices were also canvassed, with the Commonwealth’s early strategic intention to establish ombudsman offices nationwide. This goal was carried through to implementation by Professor Richardson’s astute negotiation skills, using pre-existing relationships between premiers and state ombudsmen to achieve mutually agreeable outcomes. Whatever the future holds for the Albert Street office and Australian complaint-handling agencies more generally, the “close and cooperative” working relationships mentioned by Professor McMillan will very likely continue.

¹ “Ombudsman’s Office, 2003–2010 (Prof. John McMillan AO),” Commonwealth Ombudsman, accessed 2 December 2013, <http://www.ombudsman.gov.au/pages/about-us/our-history/2003-2010.php>.

² Queensland Ombudsman (hereafter QO), *Annual Report 2008–09*, 3, 68. At 11 December 2013, other co-located agencies are the Queensland Anti-Discrimination Commission, the Queensland Commission for Children and Young People and Child Guardian, and the Queensland Health Quality and Complaints Commission.

³ “New Brisbane Office Launch,” Commonwealth Ombudsman, May 6, 2009, <http://www.ombudsman.gov.au/media-releases/show/92>.

⁴ “New Ombudsman,” *Courier-Mail*, 8 June 1979, 9; Queensland Parliamentary Commissioner for Administrative Investigations (hereafter QPCAI), *Annual Report 1978–79*, 4, 5, 9–10; Commonwealth Ombudsman (hereafter CO), *Annual Report 1978–79*, 1.

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- ⁵ Michael Head, *Administrative Law: Context and Critique* (3rd ed.) (Sydney: Federation Press, 2012), 1.
- ⁶ The first use of this term is unclear, but on one view dates to an article from 1977: Lindsay Curtis, "The Vision Splendid: A Time for Re-Appraisal," in *The Kerr Vision of Australian Administrative Law: At the Twenty-Five Year Mark*, ed., Robin Creyke and John McMillan (Canberra: Faculty of Law Australian National University, 1998), 37.
- ⁷ Robin Creyke and John McMillan, "Administrative Law Assumptions...Then and Now," in *The Kerr Vision*, ed., Creyke and McMillan, 1.
- ⁸ "About the IOI," International Ombudsman Institute, accessed 21 September 2013, <http://www.theioi.org/the-i-o-i/about-the-ioi>.
- ⁹ Victor Aveni, "Ombudsman Institutions and Democracy in Africa: A Gender Perspective," in *The International Ombudsman Yearbook Volume 1*, ed., Linda C. Reif (The Hague: Kluwer Law International, 1997), 61. See also "Ombudsman's Office 1988–1991 (Prof. Dennis Pearce)," Commonwealth Ombudsman, accessed 3 January 2014, <http://www.ombudsman.gov.au/pages/about-us/our-history/1988-1991.php>.
- ¹⁰ CO, *Annual Report 1977–78*, 12; CO, *Annual Report 1978–79*, 1.
- ¹¹ CO, *Annual Report 2003–04*, 28.
- ¹² Anita Stuhmcke, "An Empirical Study on the Systemic Investigations Function of the Commonwealth Ombudsman from 1977–2005" (PhD thesis, Australian National University, 2009), 219; "The Federal Ombudsman," Office of the Federal Ombudsman, accessed 3 December 2013, <http://www.federalombudsman.be/content/federal-ombudsman>.
- ¹³ Stuhmcke, "An Empirical Study", 219.
- ¹⁴ David Turton, "A 'Super Bureaucrat' to the Rescue? Push and Pull Factors in the Creation of the Queensland Ombudsman, 1963–74," *Queensland Review* 19.2 (2012): 247–60.
- ¹⁵ Colin Hughes, *The Government of Queensland* (St Lucia: University of Queensland Press, 1980), 293–96.
- ¹⁶ Rick Snell, "Australian Ombudsman: A Continual Work in Progress," in *Australian Administrative Law: Fundamentals, Principles and Doctrines*, ed., Matthew Groves and H.P. Lee (Cambridge: Cambridge University Press, 2007), 102.
- ¹⁷ Kenneth Wiltshire, *Report of the Strategic Review of the Queensland Ombudsman (Parliamentary Commissioner for Administrative Investigations)* (Brisbane: Government Printer, 1998).
- ¹⁸ Queensland Legal Constitutional and Administrative Review Committee, *Review of the Report of the Strategic Review of the Queensland Parliamentary Commissioner for Administrative Investigations* (Brisbane: Government Printer, 1999), 57–58.
- ¹⁹ QO, *Annual Report 2001–02*, 12.
- ²⁰ *Ombudsman Act 2001* (Qld), ss 1, 102, 103.
- ²¹ Key works include: Jackie Dickenson, *Trust Me: Australians and their Politicians* (Sydney: University of New South Wales Press, 2013), 13, 136–37, 189–93, 195, 196–97, 200, 202, 204–5, 208; Julie Dawson, "The Victorian Ombudsman: A Case Study of Responsive Development in Law and Government" (PhD thesis, La Trobe University, 1988), 85–89; Ulf Lundvik, *The Ombudsmen in Australia* (Edmonton: International Ombudsman Institute, 1984), 11–32; Commonwealth Ombudsman, *Twenty Years of the Commonwealth Ombudsman, 1977–1997* (Canberra: Commonwealth Ombudsman's Office, 1997); John Goldring, "The Foundations of the 'New Administrative Law' in Australia," *Australian Journal of Public Administration* 40.2 (1981): 79–102; John McMillan, ed., *The AAT: Twenty Years Forward* (Canberra: Australian Institute of Administrative Law, 1998); Julian Disney, "Ombudsmen in Australia," *Australian Quarterly* 46.4 (1974): 38–55; Chris Wheeler, "Review of Administrative Conduct and Decisions in NSW Since 1974: An Ad Hoc and Incremental Approach to Radical Change," *Australian Institute of Administrative Law Forum* 71 (2012): 34–70.
- ²² Clare Petre, "Reaching our Target Audience: Making the Ombudsman more Accessible" (paper presented at the Commonwealth Ombudsman 30th Anniversary Seminar, Canberra, 9 August 2007), 1, http://com-test.comb.gov.au/docs/30th-anniversary-seminar/seminar_notes_Clare_Petre.pdf.
- ²³ Ron McLeod, "Twenty-Five Years of the Commonwealth Ombudsman," *Australian Institute of Administrative Law Forum* 36 (2003): 23.
- ²⁴ D.G. Benjafield and H. Whitmore, *Principles of Australian Administrative Law* (4th ed.) (Sydney: Lawbook Co., 1971), 159.
- ²⁵ Geoffrey Sawyer, *Ombudsmen* (2nd ed.) (Melbourne: Melbourne University Press, 1968), 38–39, 41, 47; N.J. Caiden, "The Ombudsman and the Rights of the Citizen," *The Australian Quarterly* 36.3 (1964): 74–76.
- ²⁶ Kenneth Wiltshire, "Planning and Federalism: With Particular Reference to Australia and Canada" (PhD thesis, University of Queensland, 1982), 422, 429; Donald Rowat, *The Ombudsman Plan: The Worldwide Spread of an Idea* (2nd ed.) (Lanham, MD: University of America Press, 1985), 78–79.
- ²⁷ "Minister Pays Tribute to Australia's First Ombudsman: Professor Jack Richardson," Commonwealth Ombudsman, 27 June 2011, <http://www.ombudsman.gov.au/media-releases/show/182>.
- ²⁸ Interview, John M. Farquharson with Jack Richardson, National Library of Australia, *Law in Australian Society Oral History Project*, 17 May 1995, disc 1, part 4 file (hereafter Interview, Richardson); Jack Richardson, "The Ombudsman's Place Among the Institutions of Government: Past, Present and Future," *Australian Journal of Administrative Law* 8.4 (2001): 184; Commonwealth Ombudsman, *Twenty Years*, 37; Jack Richardson, "Having a Federal Ombudsman", (Occasional Paper No. 35 presented at the International Ombudsman Institute, Edmonton, Alberta, Canada, 1986), 18–19.
- ²⁹ Jack Waterford, "Commonwealth Ombudsman: Watchdog of the People's Interest," *Canberra Times*, 18 March 1977, 2.
- ³⁰ CO, *Annual Report 1978–79*, 1.

-
- ³¹ Amendments to the *Ombudsman Act 1976* (Cwlth) permitting the Ombudsman to investigate without a written complaint were implemented in 1983: Creyke and McMillan, "Administrative Law Assumptions," in *The Kerr Vision*, ed., Creyke and McMillan, 29. See also Richardson, "The Ombudsman's Place," 184–85.
- ³² Dennis Pearce, "The Commonwealth Ombudsman: The Right Office in the Wrong Place," in *The Kerr Vision*, ed., Creyke and McMillan, 59–60; Rowat, *The Ombudsman Plan*, 140; Anita Stuhmcke, "Privatisation and Corporatisation: What Now For The Commonwealth Ombudsman?," *Australian Journal of Administrative Law* 11.2 (2004): 107.
- ³³ W.B. Lane and Simon Young, *Administrative Law in Australia* (Sydney: Lawbook Co., 2007), 382.
- ³⁴ Lane and Young, *Administrative Law in Australia*, 469–73; Stuhmcke, "Privatisation and Corporatisation," 101–14.
- ³⁵ Najmul Abedin, "Conceptual and Functional Diversity of the Ombudsman Institution: A Classification," *Administration and Society* 43.8 (2011): 897–98, 900.
- ³⁶ Commonwealth Administrative Review Committee, *Report*, Parliamentary Paper no. 144 of 1971 (Canberra: Government Printer, 1971).
- ³⁷ Commonwealth Committee on Administrative Discretions, *Interim Report*, Parliamentary Paper no. 53 of 1973 (Canberra: Government Printer, 1973); Commonwealth Committee on Administrative Discretions, *Final Report*, Parliamentary Paper no. 316 of 1973 (Canberra: Government Printer, 1973).
- ³⁸ Commonwealth Committee of Review of Prerogative Writ Procedures, *Report*, Parliamentary Paper no. 56 of 1973 (Canberra: Government Printer, 1973).
- ³⁹ Interdepartmental Committee on Proposed Freedom of Information Legislation, *Proposed Freedom of Information Legislation: Report* (Canberra: Australian Government Publishing Service, 1974).
- ⁴⁰ Dickenson, *Trust Me*, 137.
- ⁴¹ "Chronology of Establishment of the Offices," Australian and New Zealand Ombudsman Association, accessed 7 December 2013, <http://www.anzoa.com.au/ANZOAOmbudsman-chronologyOctober2013.pdf>; "Jurisdiction and Functions of the Ombudsman," Ombudsman New South Wales, accessed 7 December 2013, http://www.ombo.nsw.gov.au/_data/assets/pdf_file/0009/3699/FS_PSA_10_Jurisdiction-and-Functions-of-the-Ombudsman.pdf; "About Us", Australian Capital Territory Ombudsman, accessed 7 December 2013, <http://ombudsman.act.gov.au/pages/about-us/>.
- ⁴² Benjafield and Whitmore, *Principles*, 159.
- ⁴³ Stuhmcke, "An Empirical Study," 218, 219.
- ⁴⁴ Douglas Blackmur, "Hanlon, Edward Michael (Ned) (1887–1952)," Australian Dictionary of Biography, National Centre of Biography, Australian National University, accessed 15 December 2013, <http://adb.anu.edu.au/biography/hanlon-edward-michael-ned-10411/text18451>.
- ⁴⁵ Interview, Fedora Fisher with Sir David Muir, University of Queensland Fryer Library, 5 July 1983.
- ⁴⁶ Eg. Premier John Tonkin, "Western Promise," *World Development* 1.5 (1973): 76.
- ⁴⁷ Cabinet Decision No. 58, 14 January 1976 and Submission No. 11, National Archives of Australia (hereafter NAA), A12909, 11.
- ⁴⁸ Cabinet Decision No. 58, 14 January 1976 and Submission No. 11, NAA, A12909, 11.
- ⁴⁹ Cabinet Decision No. 58, 14 January 1976 and Submission No. 11, NAA, A12909, 11.
- ⁵⁰ Cabinet Decision No. 771, 10 May 1976 and Submission No. 302, 30 April 1976, NAA, A12909, 302.
- ⁵¹ *Ombudsman Act 1976* (Cwlth), s 5(1) (a–b).
- ⁵² *Ombudsman Act 1976* (Cwlth), s 15.
- ⁵³ *Ombudsman Act 1976* (Cwlth), ss 16, 17, 18.
- ⁵⁴ Anita Stuhmcke, "The Evolution of the Classical Ombudsman: A View From the Antipodes," *International Journal of Public Law and Policy* 2.1 (2012): 84.
- ⁵⁵ Stuhmcke, "The Evolution of the Classical Ombudsman," 84.
- ⁵⁶ CO, *Annual Report 2006–07*, viii.
- ⁵⁷ *Ombudsman Act 1976* (Cwlth), s 6.
- ⁵⁸ *Ombudsman Act 1976* (Cwlth), s 9.
- ⁵⁹ *Ombudsman Act 1976* (Cwlth), s 5 (2).
- ⁶⁰ Brendan Cassidy, "Democratising the Law: or Speaking the Unspeakable," *Journal of Australian Studies* 39 (1993): 13.
- ⁶¹ Eg. Victorian Ombudsman, *Annual Report 1989–1990*, 4–10.
- ⁶² *Parliamentary Commissioner Act 1974* (Qld), ss 4, 12–17, 20, 24; *Ombudsman Act 2001* (Qld), ss 6–8, 12, 14, 16, 18–19, 27–34, 49, 52–53.
- ⁶³ *Ombudsman Act 2001* (Qld), s 12 (c).
- ⁶⁴ *Ombudsman Act 1976* (Cwlth), s 8A.
- ⁶⁵ *Ombudsman Amendment Act 1983* (Cwlth), s 11.
- ⁶⁶ Jack Richardson, Draft Conference Paper for Australasian Ombudsmen's Conference, Brisbane, 1 September 1978, NAA, A1209, 1988/804 Part 1.
- ⁶⁷ Jack Richardson, Draft Conference Paper for Australasian Ombudsmen's Conference, Brisbane, 1 September 1978, NAA, A1209, 1988/804 Part 1.
- ⁶⁸ Memorandum, Progress Made in Investigation of State/Commonwealth Activities, Australasian Ombudsmen's Conference, Adelaide, September 1979, NAA, A1209, 1988/804 Part 1.

-
- ⁶⁹ Australasian and Pacific Ombudsman Conference, Wellington, New Zealand, 1981, Statutory Framework for Joint Commonwealth/State Investigations and Information Exchange Amongst Ombudsman, Notes: Commonwealth Ombudsman's Office, September 1981, NAA, A1209 1988/804 Part 1.
- ⁷⁰ David J Turton, "Wading In: Environmental Governance and Queensland's Clean Waters Act 1971," *James Cook University Law Review* 17 (2010): 65–67, <http://www.austlii.edu.au/au/journals/JCULawRw/2010/3.html>; David J Turton, "Licensed to Spill: A Legal History of Queensland's Clean Waters Act 1971" (BA Hons. thesis, James Cook University, 2007), 52–53.
- ⁷¹ Anita Stuhmcke, "Grievance Handling in Australian Universities: The Case of the University Ombudsman and the Dean of Students," *Journal of Higher Education Policy and Management* 23 (2001): 181–9.
- ⁷² QO, *Annual Report 2012–13*, 8, 9.
- ⁷³ CO, *Annual Report 2012–13*, 9, 10.
- ⁷⁴ CO, *Annual Report 2012–13*, 11.
- ⁷⁵ A.G. Kerr (Assistant Secretary, Constitutional and Legal Affairs Branch) to the Secretary (Department of the Prime Minister and Cabinet), 24 December 1976, NAA, A1209, 1981/1054.
- ⁷⁶ J.D. Anthony (Acting Prime Minister) to J. Bjelke-Petersen (Premier), 5 August 1976, Queensland State Archives (hereafter QSA), item 541006.
- ⁷⁷ Bjelke-Petersen to the Prime Minister, 10 September 1976, NAA, A1209, 1981/1054.
- ⁷⁸ Keith Spann (Under Secretary, Premier's Department) to David Longland (Parliamentary Commissioner), 10 August 1976, QSA, item 541006.
- ⁷⁹ R.J. Howatson (Deputy Parliamentary Commissioner) to Spann, 30 August 1976, QSA, item 541006.
- ⁸⁰ Cablegram, Department of Foreign Affairs to Attorney-General's Department, 13 September 1976, NAA, A1209, 1981/1054.
- ⁸¹ A.J. Grassby (Commonwealth Commissioner for Community Relations) to David Longland, 27 August 1976, QSA, item 541006; Howatson to Spann, 6 September, 1976, QSA, item 541006.
- ⁸² A.J. Grassby, *Community Relations and the Aborigines* (Canberra: Office of the Commissioner for Community Relations, 1980), 1.
- ⁸³ Spann to Howatson, 16 September 1976, QSA, item 541006.
- ⁸⁴ Longland to Grassby, 27 September 1976, QSA, item 541006.
- ⁸⁵ QPCAI, *Annual Report 1977–78*, 8.
- ⁸⁶ QPCAI, *Annual Report 1977–78*, 9.
- ⁸⁷ QPCAI, *Annual Report 1977–78*, 9.
- ⁸⁸ Hughes, *The Government of Queensland*, 293–96; QPCAI, *Annual Report 1975–76*, 5, 46–50.
- ⁸⁹ "Aurukun Inquiry Ordered," *Canberra Times*, 25 March 1976, 7; "Retraction of 'slur' Wanted," *Canberra Times*, 27 March 1976, 14; "Consultation over Aurukun Wanted," *Canberra Times*, 7 April 1976, 3.
- ⁹⁰ Parliamentary Counsel to Under Secretary (Premier's Department), 9 September 1976, QSA, item 541006.
- ⁹¹ Cabinet Decision No. 27759, 7 February 1978, QSA, item 1176186.
- ⁹² Commissioner for Community Relations, *Discrimination Against Aborigines and Islanders in Queensland*, Community Relations Paper No. 17 (Canberra: Office of the Commissioner for Community Relations, 1981), 8, 9, 103, 108, 109, 111.
- ⁹³ QPCAI, *Annual Report 1988–89*, 15.
- ⁹⁴ A.G. Kerr (Assistant Secretary, Government Division) to Under Secretary, Premier's Department, 10 January 1977, NAA, A1209, 1981/1054.
- ⁹⁵ Record of Conversation with the Queensland Parliamentary Commissioner for Administrative Investigations, 17 January 1977, NAA, A1209, 1981/1054.
- ⁹⁶ Discussions held with Commonwealth Officers regarding the Queensland Ombudsman performing work for the Commonwealth Ombudsman, 17 January 1977, QSA, item 541006.
- ⁹⁷ A.G. Kerr (Assistant Secretary, Constitutional and Legal Affairs Branch), to the Secretary, Department of the Prime Minister and Cabinet, March 1977, NAA, A1209, 1981/1054.
- ⁹⁸ Dawson, "The Victorian Ombudsman," 12; Stuhmcke, "An Empirical Study," 339–40; Richardson, "The Ombudsman's Place," 185; Snell, "Australian Ombudsman," 113.
- ⁹⁹ Jennifer Menzies, "Reducing Tensions in Australian Intergovernmental Relations through Institutional Innovation," *Australian Journal of Public Administration* 72.3 (2013): 384.
- ¹⁰⁰ Interview, Richardson; Richardson, "The Ombudsman's Place," 184.
- ¹⁰¹ Interview, Richardson.
- ¹⁰² B.A. Cotterell, "The Machinery of Government in Queensland, 1915 to 1978" (Master of Public Administration thesis, University of Queensland, 1980), 167.
- ¹⁰³ Johannes Bjelke-Petersen, *Don't You Worry About That! The Joh Bjelke-Petersen Memoirs* (Sydney: Angus and Robertson, 1990), 75–78; Rae Wear, *Johannes Bjelke-Petersen: The Lord's Premier* (St Lucia: University of Queensland Press, 2002), 74, 77, 84, 193.
- ¹⁰⁴ Wear, *Johannes*, 79–80, 193.
- ¹⁰⁵ Richardson, "The Ombudsman's Place," 184; QPCAI, *Annual Report 1974–75*, 2.
- ¹⁰⁶ J.E. Richardson to Secretary (Department of Prime Minister and Cabinet), 10 May, 1978, NAA, A1209, 1981/1054; J.D. Anthony (Acting Prime Minister) to J. Bjelke-Petersen (Premier), 6 June 1978, NAA, A1209, 1981/1054.

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- ¹⁰⁷ Bjelke-Petersen to the Prime Minister, 4 July 1978, NAA, A1209, 1981/1054.
- ¹⁰⁸ QPCAI, *Annual Report 1978–79*, 2–3; Interview, Richardson.
- ¹⁰⁹ Interview, Richardson.
- ¹¹⁰ Wear, *Johannes*, xv, 137, 147.
- ¹¹¹ Raymond Evans, *A History of Queensland* (Cambridge: Cambridge University Press, 2007), 220–21; Peter Coaldrake, “Cabinet Government ‘Queensland Style’,” *Politics* 20.1 (1985): 117–18.
- ¹¹² Cabinet Decision No. 29489, 13 November 1978, QSA, item 964056; Interview, Richardson.
- ¹¹³ Interview, Richardson.
- ¹¹⁴ Cabinet Submission No. 26415, 29 November 1978, QSA, item 964056.
- ¹¹⁵ Newspaper clipping, Ian Miller, “Ombudsman Draft Soon,” *Telegraph*, 12 March 1973, QSA, item 541005; Newspaper clipping, Ian Miller, “Our Ombudsman is a Step Closer,” *Telegraph*, 14 November 1972, QSA, item 541005.
- ¹¹⁶ Cabinet Decision No. 28641, 4 December 1978, QSA, item 964056.
- ¹¹⁷ Heads of Agreement, Establishment of a Joint Commonwealth/State Ombudsman Office Brisbane, attachment to Bjelke-Petersen to the Prime Minister, 12 December 1978, NAA, A1209, 1981/1054.
- ¹¹⁸ “New Ombudsman,” *Courier-Mail*, 8 June 1979, 9; CO, *Annual Report 1978–79*, 57; QPCAI, *Annual Report 1978–79*, 5.
- ¹¹⁹ QPCAI, *Annual Report 1978–79*, 5.
- ¹²⁰ QPCAI, *Annual Report 1978–79*, 8.
- ¹²¹ Bronwyn Stevens, “Muir, Sir David John (1916–1986),” Australian Dictionary of Biography, National Centre of Biography, Australian National University, accessed 26 November 2013, <http://adb.anu.edu.au/biography/muir-sir-david-john-15780/text26969>.
- ¹²² QPCAI, *Annual Report 1985–86*, 18.
- ¹²³ Turton, “A ‘Super Bureaucrat’,” 248, 249.
- ¹²⁴ Stevens, “Muir, Sir David John (1916–1986).”
- ¹²⁵ Kevin Meade, “Men in the news: 46-year wait to ‘catch up’,” *Telegraph*, 13 June 1979, 2.
- ¹²⁶ QPCAI, *Annual Report 1979–80*, 2–3; QPCAI, *Annual Report 1978–79*, 10.
- ¹²⁷ QPCAI, *Annual Report 1979–80*, 2–3.
- ¹²⁸ Interview, Richardson.
- ¹²⁹ QPCAI, *Annual Report 1980–81*, 5.
- ¹³⁰ QPCAI, *Annual Report 1978–79*, 10.
- ¹³¹ QPCAI, *Annual Report 1980–81*, 6.
- ¹³² QPCAI, *Annual Report 1980–81*, 6.
- ¹³³ Curtis, “The Vision Splendid,” in *The Kerr Vision*, ed., Creyke and McMillan, 37.